

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICROSOFT CORPORATION, a Washington)	
corporation,)	
)	
Plaintiff,)	Case No. 08 cv 3299
)	
-v-)	Judge James B. Zagel
)	
MYODA COMPUTER CENTER, INC., an)	
Illinois corporation f/k/a MYODA)	Magistrate Judge Schenkier
COMPUTER CENTERS, INC. d/b/a MYODA)	
COMPUTER CENTERS; and CHARLES)	
CHENG, an individual,)	
)	
Defendants.)	

**PLAINTIFF MICROSOFT CORPORATION'S
VERIFIED MOTION FOR ENTRY OF DEFAULT AGAINST DEFENDANTS
MYODA COMPUTER CENTER, INC. AND CHARLES CHENG**

Plaintiff Microsoft Corporation ("Microsoft") respectfully moves this Court, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, for an order entering default against Defendants Myoda Computer Center, Inc., an Illinois corporation formerly known as Myoda Computer Centers, Inc. and doing business as Myoda Computer Centers ("Myoda"), and Charles Cheng, an individual ("Cheng") (collectively, "Defendants"). In support of this motion, Microsoft states as follows:

1. On June 19, 2003 Microsoft brought suit against Myoda Computer Centers, Inc. and Charles Cheng for infringement of Microsoft's copyrights and trademarks and other related claims (*Microsoft Corporation v. Myoda Computer Centers, Inc. et al.*, United States District Court for the Northern District of Illinois, Eastern Division, Case No. 03 cv 4220).

2. In December 2003, the Defendants stipulated to a Permanent Injunction. The court entered the Stipulated Permanent Injunction on January 22, 2004. The Stipulated Permanent Injunction prohibits the Defendants, their successors, and all those acting in concert or participation with them from, among other things, infringing Microsoft's copyrights and trademarks.

3. Notwithstanding the Stipulated Permanent Injunction, Defendants continue to infringe Microsoft's copyrights and trademarks. On June 9, 2008, Microsoft initiated this action by filing its Complaint against Defendants.

4. On June 9, 2008, the Complaint, Summons, Civil Cover Sheet, Appearances, and Notice of Claims Involving Trademarks were properly served on Myoda and Cheng by a special process server. *See* Affidavits of Process Server, copies of which are attached as Exhibits A and B, respectively. Defendants were required to appear and answer or otherwise plead by July 1, 2008. *See* FRCP 12(a)(1)(A).

5. On July 1, 2008, no Defendant had filed an answer or other response to the Complaint.

6. To date, no Defendant has appeared or answered the Complaint, nor has any Defendant sought an extension of time to do so.

7. Accordingly, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, Microsoft respectfully requests that default be entered against Defendants on all counts asserted in the Complaint.

WHEREFORE Microsoft respectfully requests that this Court enter an order (a) granting this Verified Motion; and (b) entering default, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, against Defendants Myoda Computer Center, Inc. and Charles

Cheng as to all claims asserted by Microsoft. Once default has been entered, Microsoft will file a motion for default judgment pursuant to Rule 55(b) of the Federal Rules of Civil Procedure.

Dated: July 22, 2008

MICROSOFT CORPORATION

By: /s/ Todd M. Church
One of Its Attorneys

Eric D. Brandfonbrener
Todd M. Church
PERKINS COIE LLP
131 South Dearborn Street, Suite 1700
Chicago, Illinois 60603-5559
(312) 324-8400 -- telephone
(312) 324-9400 -- facsimile

VERIFICATION

I verify under penalty of perjury that Plaintiff Microsoft Corporation's Verified Motion for Entry of Default Against Defendants Myoda Computer Center, Inc. and Charles Cheng is true and correct.

Executed on July 22, 2008.

/s/ Todd M. Church

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
CASE NO. 08CV 3299
AFFIDAVIT OF SPECIAL PROCESS SERVER

Philip Alkhoury, being first duly sworn on oath deposes and says that he served process in the above mentioned cause.

That he served the within:

- (X) Summons & Complaint
- () Citation to Discover Assets
- () Rule to Show Cause
- () Subpoena
- () Other:

1. () By leaving a copy with the named party, ----- personally on -----.
2. () On the within named party, -----, by leaving a copy with -----, -----, who states that they are a member of the household on -----, and informed that person of the contents thereof, and that further he mailed a copy of same in a sealed envelope with postage prepaid addressed to the party on -----.
3. (X) On the within party, **Myoda Computer Center, Inc.** by leaving a copy with **Shou P. Cheng, Registered Agent and Authorized Person**, on **June 9, 2008**, and informed that person of the contents thereof.
4. (X) That the sex, race and approximate age of the person with whom he left the documents were as follows:

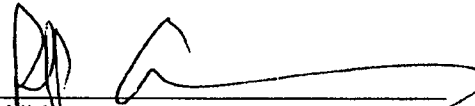
SEX: **Male** RACE: **Asian** APPROXIMATE AGE: **55-60**

5. (X) That the place where and the time of day when the documents were served were as follows:

PLACE: **1070 N. Roselle Rd., Suite 101, Hoffman Estates, IL 60169**
TIME OF DAY: **1:30 PM**

6. () That he was unable to serve the within named party ----- located at -
----- for the reason: -----

Signed and Sworn to before me
This **11th** day of **June 2008**.


Philip Alkhoury
Special Process Server
IT'S YOUR SERVE, INC.
Private Detective No. 117-000885



AO 440 (Rev. 05/00) Summons in a Civil Action

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

MICROSOFT CORPORATION, a Washington
corporation,

Plaintiff,

V.

MYODA COMPUTER CENTER, INC., an Illinois corporation
f/k/a MYODA COMPUTER CENTERS, INC. d/b/a MYODA
COMPUTER CENTERS; and CHARLES CHENG, an individual,
Defendants.

CASE NUMBER: 08CV 3299

ASSIGNED JUDGE: JUDGE ST. EVE

DESIGNATED MAGISTRATE JUDGE SCHENKIER
MAGISTRATE JUDGE:

TO: (Name and address of Defendant)

MYODA COMPUTER CENTER, INC.
C/O SHOU P. CHENG, AGENT
1070 N. ROSELLE ROAD, SUITE 101
HOFFMAN ESTATES, IL 60169

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Eric D. Brandfonbrener
Todd M. Church
Perkins Coie LLP
131 S. Dearborn St., Suite 1700
Chicago, IL 60603

an answer to the complaint which is herewith served upon you, within 20 days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the
relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time
after service.

Michael W. Dobbins, Clerk

Nadine Shirley

(By) DEPUTY CLERK

June 9, 2008

Date



AO 440 (Rev. 05/00) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (<i>PRINT</i>)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<p>G Served personally upon the defendant. Place where served: _____</p> <p>_____</p> <p>G Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.</p> <p>Name of person with whom the summons and complaint were left: _____</p> <p>G Returned unexecuted: _____</p> <p>_____</p> <p>G Other (specify): _____</p> <p>_____</p> <p>_____</p>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;">Date</div> <div style="width: 70%;">Signature of Server</div> </div> <p style="text-align: center; margin-top: 20px;">_____ Address of Server</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

EXHIBIT B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
CASE NO. 08CV 3299
AFFIDAVIT OF SPECIAL PROCESS SERVER

Philip Alkhoury, being first duly sworn on oath deposes and says that he served process in the above mentioned cause.

That he served the within:

- (X) Summons & Complaint
- () Citation to Discover Assets
- () Rule to Show Cause
- () Subpoena
- () Other:

1. (X) By leaving a copy with the named party, **Charles Cheng** personally on **June 9, 2008**.

2. () On the within named party, -----, by leaving a copy with -----, -----, who states that they are a member of the household on -----, and informed that person of the contents thereof, and that further he mailed a copy of same in a sealed envelope with postage prepaid addressed to the party on -----.

3. () On the within party, ----- by leaving a copy with -----, on -----, and informed that person of the contents thereof.

4. (X) That the sex, race and approximate age of the person with whom he left the documents were as follows:

SEX: **Male**

RACE: **Asian**

APPROXIMATE AGE: **55-60**

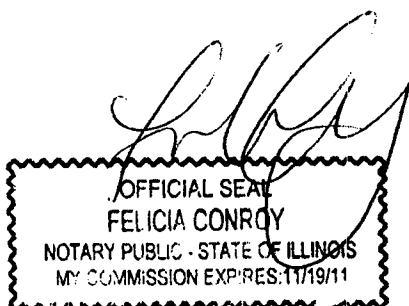
5. (X) That the place where and the time of day when the documents were served were as follows:

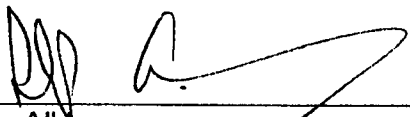
PLACE: **1070 N. Roselle Rd., Suite 101, Hoffman Estates, IL 60169**

TIME OF DAY: **1:30 PM**

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Signed and Sworn to before me
This **11th** day of **June 2008**.




Philip Alkhoury
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IT'S YOUR SERVE, INC.
Private Detective No. 117-000885

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V.

MYODA COMPUTER CENTER, INC., an Illinois corporation
f/k/a MYODA COMPUTER CENTERS, INC. d/b/a MYODA
COMPUTER CENTERS; and CHARLES CHENG, an individual.
Defendants.

CASE NUMBER: 08CV 3299

ASSIGNED JUDGE: JUDGE ST. EVE

DESIGNATED MAGISTRATE JUDGE SCHENKIER
MAGISTRATE JUDGE:

TO: (Name and address of Defendant)

CHARLES CHENG
1070 N. ROSELLE ROAD, SUITE 101
HOFFMAN ESTATES, IL 60169

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Eric D. Brandfonbrener
Todd M. Church
Perkins Coie LLP
131 S. Dearborn St., Suite 1700
Chicago, IL 60603

an answer to the complaint which is herewith served upon you, within 20 days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the
relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time
after service.

Michael W. Dobbins, Clerk

Nadine Shirley

(By) DEPUTY CLERK

June 9, 2008

Date



AO 440 (Rev. 05/00) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (<i>PRINT</i>)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<p>G Served personally upon the defendant. Place where served: _____</p> <p>_____</p> <p>G Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.</p> <p>Name of person with whom the summons and complaint were left: _____</p> <p>G Returned unexecuted: _____</p> <p>_____</p> <p>_____</p> <p>G Other (specify): _____</p> <p>_____</p> <p>_____</p>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date _____ Signature of Server _____</p> <p>_____ Address of Server _____</p>		

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